

JOURNAL OF THE HOUSE

SECOND REGULAR SESSION, 90th GENERAL ASSEMBLY

SIXTIETH DAY, WEDNESDAY, APRIL 26, 2000

Speaker Pro Tem Kreider in the Chair.

Prayer by Father David Buescher.

Dear God, as Missouri's farmers prepare the soil, plant seeds, and work their land, so may these, our Missouri legislators, prepare our citizens for even more abundant harvests. We pray for fertile ground of reflection into our state's real needs, for the plowing of research into ways and means, for fertilizing our people with dreams of what might be, and cultivating social networks that will bring community and interdependence.

May the sights and sounds be cooperation, backed by the silence of prayer and trust in Your still and certain increase in our hearts. The end of this session draws near, today's work brings that harvest even closer, Oh God of Bountiful Abundance. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Justin King, Kassondra Gaddy, Janeace Campbell, Steven Robinson, Nicholas Wray, Tiffany Verstraete, Trisha Riggs, Brooklyn Turner, Cole McCauley, Abby Swett, David Kozminski, Libby Jones, Rachel Duffey, Jacob Duffey, Elijah Duffey, Elise Gregory, Kathryn Bruns, Richard Magnanti, Shawn Emra, Jacklyn Sallee, Brenden Clark and Adam Person.

The Journal of the fifty-ninth day was approved as printed by the following vote:

AYES: 080

Abel	Auer	Backer	Barry 100	Bonner
Boucher 48	Boykins	Bray 84	Britt	Brooks
Campbell	Clayton	Crump	Curls	Davis 122
Davis 63	Days	Dougherty	Farnen	Fitzwater
Foley	Ford	Franklin	Fraser	Gambaro
George	Graham 24	Gratz	Gunn	Hagan-Harrell
Hampton	Harlan	Hickey	Hilgemann	Hollingsworth
Hoppe	Kelly 27	Kennedy	Kissell	Koller
Kreider	Lakin	Lawson	Leake	Liese
Luetkenhaus	May 108	Mays 50	McBride	McKenna
McLuckie	Merideth	Monaco	Murray	O'Connor
O'Toole	Overschmidt	Parker	Ransdall	Reynolds
Riley	Rizzo	Scheve	Schilling	Seigfreid
Selby	Skaggs	Smith	Thompson	Treadway
Troupe	Van Zandt	Wagner	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Mr. Speaker

NOES: 074

Akin	Alter	Ballard	Barnett	Bartelsmeyer
Bartle	Bennett	Berkstresser	Black	Blunt

Boatright	Burton	Champion	Chrismer	Cierpiot
Crawford	Elliott	Enz	Evans	Foster
Froelker	Gaskill	Gibbons	Graham 106	Green
Griesheimer	Gross	Hanaway	Hartzler 123	Hartzler 124
Hegeman	Hendrickson	Hohulin	Holand	Howerton
Kasten	King	Klindt	Legan	Levin
Linton	Lograsso	Long	Loudon	Luetkemeyer
Marble	McClelland	Miller	Murphy	Myers
Naeger	Nordwald	Ostmann	Patek	Phillips
Pouche 30	Pryor	Purgason	Reinhart	Richardson
Ridgeway	Robirds	Ross	Sallee	Schwab
Scott	Secrest	Shields	Summers	Surface
Townley	Tudor	Vogel	Wright	

PRESENT: 001

Reid

ABSENT WITH LEAVE: 007

Berkowitz	Dolan	Hosmer	Kelley 47	Relford
Shelton	Stokan			

VACANCIES: 001

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1234 - Representative Kreider
House Resolution No. 1235
through
House Resolution No. 1248 - Representative Cierpiot
House Resolution No. 1249 - Representative Lograsso

SECOND READING OF HOUSE BILL

HB 2170 was read the second time.

SECOND READING OF SENATE JOINT RESOLUTIONS

SS SJR 31 and **SS SS#3 SJR 35** were read the second time.

SECOND READING OF SENATE BILLS

SCS SB 793, SB 830, SB 851, SB 892, SCS SB 954 and **SCS SBs 1027 & 815** were read the second time.

REFERRAL OF HOUSE BILLS

The following Houses Bills were referred to the Committee indicated:

HS HB 1728 - Fiscal Review (Fiscal Note)
HS HCS HB 1927 - Fiscal Review (Fiscal Note)

PERFECTION OF HOUSE BILL

HB 2011, relating to property tax, was taken up by Representative Overschmidt.

Representative Overschmidt offered **HS HB 2011**.

Representative Smith assumed the Chair.

Representative Kreider offered **House Amendment No. 1**.

Representative Overschmidt raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

Representative Smith requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Fitzwater offered **House Amendment No. 1**.

Representative Overschmidt raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

Representative Smith requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Boucher offered **House Amendment No. 1**.

Speaker Pro Tem Kreider resumed the Chair.

Representative Overschmidt raised a point of order that **House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Griesheimer offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Substitute for House Bill No. 2011, Page 12, Section 137.073, Line 2 of said page, by inserting after the word "**rate**," the following:

"If any court refuses to grant injunctive relief against a taxing authority's tax rate as requested by the attorney general, then the attorney general's office shall reimburse the taxing authority all court costs and attorney's fees incurred as a result of such court proceeding."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Griesheimer, **House Amendment No. 1** was adopted.

Representative Wiggins offered **House Amendment No. 2**.

Representative Overschmidt raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Luetkemeyer offered **House Amendment No. 2**.

Representative Bray raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Hendrickson offered **House Amendment No. 2**.

Representative Bray raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Froelker offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Substitute for House Bill No. 2011, Page 14, Section 137.073, Line 20 of said page, by inserting after all of said line the following:

"139.031. 1. Any taxpayer may protest all or any part of any taxes assessed against [him] **such taxpayer**, except taxes collected by the director of revenue of Missouri. Any such taxpayer desiring to pay any taxes under protest shall, at the time of paying such taxes, file with the collector a written statement setting forth the grounds on which [his] **such taxpayer's** protest is based. The statement shall include the true value in money claimed by the taxpayer if disputed.

2. Upon receiving payment of taxes under protest pursuant to subsection 1 of this section or upon receiving notice of an appeal pursuant to section 138.430, RSMo, the collector shall disburse to the proper official all portions of taxes not disputed by the taxpayer and shall impound in a separate fund all portions of such taxes which are in dispute. Except as provided in subsection 3 of this section, every taxpayer protesting the payment of taxes shall, within ninety days after filing [his] **such taxpayer's** protest, commence an action against the collector by filing a petition for the recovery of the amount protested in the circuit court of the county in which the collector maintains [his] **an** office. If any taxpayer so protesting [his] **such taxpayer's** taxes shall fail to commence an action in the circuit court for the recovery of the taxes protested within the time prescribed in this subsection, such protest shall become null and void and of no effect, and the collector shall then disburse to the proper official the taxes impounded, and any interest earned thereon, as provided above in this subsection.

3. No action against the collector shall be commenced by any taxpayer who has, for the tax year in issue, filed with the state tax commission a timely and proper appeal of the protested taxes. Such taxpayer shall notify the collector of the appeal in the written statement required by subsection 1 of this section. The taxes so protested shall be impounded in a separate fund and the commission may order all or any part of such taxes refunded to the taxpayer, or may authorize the collector to release and disburse all or any part of such taxes in its decision and order issued pursuant

to chapter 138, RSMo.

4. Trial of the action in the circuit court shall be in the manner prescribed for nonjury civil proceedings, and, after determination of the issues, the court shall make such orders as may be just and equitable to refund to the taxpayer all or any part of the taxes paid under protest, together with any interest earned thereon, or to authorize the collector to release and disburse all or any part of the impounded taxes, and any interest earned thereon, to the appropriate officials of the taxing authorities. Either party to the proceedings may appeal the determination of the circuit court.

5. All the county collectors of taxes, and the collector of taxes in any city not within a county, shall, upon written application of a taxpayer, [refund any real or tangible personal property tax mistakenly or erroneously paid in whole or in part to the collector, or shall] credit against the taxpayer's tax liability in the following taxable year **and subsequent consecutive taxable years until the credit is fully used** any real or personal property tax mistakenly or erroneously levied against the taxpayer and collected in whole or in part by the collector, **or, if the taxpayer has no tax liability to such collector in the immediately following taxable year, refund any balance remaining on real or tangible personal property tax mistakenly or erroneously paid in whole or in part to the collector.** Such application shall be filed within [one year] **three years** after the tax is mistakenly or erroneously paid. The governing body, or other appropriate body or official of the county or city not within a county, shall make available to the collector funds necessary to make refunds [under] **pursuant to** this subsection by issuing warrants **pro rata in the amount credited to each political subdivision** upon the fund to which the mistaken or erroneous payment has been credited, or otherwise.

6. [No] **A** taxpayer shall receive any interest **at the rate required by section 32.065, RSMo,** on any money paid in by [him] **such taxpayer** erroneously.

7. All protested taxes shall be invested by the collector in the same manner as assets specified in section 30.260, RSMo, for investment of state moneys. A taxpayer who is entitled to a refund of protested taxes shall also receive the interest earned on the investment thereof. If the collector is ordered to release and disburse all or part of the taxes paid under protest to the proper official, such taxes shall be disbursed along with the proportional amount of interest earned on the investment of the taxes due the particular taxing authority.

8. On or before March first next following the delinquent date of taxes paid under protest, the county collector shall notify any taxing authority of the taxes paid under protest which would be received by such taxing authority if the funds were not the subject of a protest. Any taxing authority may apply to the circuit court of the county or city not within a county in which a collector has impounded protested taxes [under] **pursuant to** this section and, upon a satisfactory showing that such taxing authority would receive such impounded tax funds if they were not the subject of a protest and that such taxing authority has the financial ability and legal capacity to repay such impounded tax funds in the event a decision ordering a refund to the taxpayer is subsequently made, the circuit court shall order, pendente lite, the disbursement of all or any part of such impounded tax funds to such taxing authority. The circuit court issuing an order [under] **pursuant to** this subsection shall retain jurisdiction of such matter for further proceedings, if any, to compel restitution of such tax funds to the taxpayer. In the event that any protested tax funds refunded to a taxpayer were disbursed to a taxing authority [under] **pursuant to** this subsection instead of being held and invested by the collector [under] **pursuant to** subsection 7 of this section, such taxing authority shall pay the taxpayer entitled to the refund of such protested taxes the same amount of interest, as determined by the circuit court having jurisdiction in the matter, such protested taxes would have earned if they had been held and invested by the collector.

9. No appeal filed shall stay any order of refund, but the decision filed by any court of last review modifying the circuit court's or state tax commission's determination pertaining to the amount of refund shall be binding on the parties, and the decision rendered shall be complied with by the party affected by any modification within ninety days of the date of such decision. No taxpayer shall receive any interest on any additional award of refund, and the collector shall not receive any interest on any ordered return of refund in whole or in part."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Bray raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Froelker, **House Amendment No. 2** was adopted.

Representative Pouche offered **House Amendment No. 3.**

Representative Bray raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Gross offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Substitute for House Bill No. 2011, Page 10, Section 137.073, Lines 3-4, by deleting the word “**may**” and inserting in lieu thereof the word “**shall**”; and

Further amend said section by inserting before the words “**five/one**” the words “**or equal to**”.

On motion of Representative Gross, **House Amendment No. 3** was adopted.

Representative Purgason offered **House Amendment No. 4.**

Representative Overschmidt raised a point of order that **House Amendment No. 4** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Overschmidt, **HS HB 2011, as amended**, was adopted.

On motion of Representative Overschmidt, **HS HB 2011, as amended**, was ordered perfected and printed.

PERFECTION OF HOUSE BILL - APPROPRIATIONS

HCS HB 1120, relating to appropriations, was taken up by Representative Franklin.

Representative Green offered **House Amendment No. 1.**

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1120, Page 3, Section 20.055, Lines 1 through 4, by deleting all of said section; and

Further amend said bill, Page 3, Section 20.055, Lines 1 through 4, by deleting all of said section; and

Further amend said bill, Page 3, Section 20.060, Lines 1 through 4, by deleting all of said section; and

Further amend said bill, Page 3, Section 20.061, Lines 1 through 4, by deleting all of said section; and

Further amend said bill, Page 3, Section 20.065, Lines 1 through 4, by deleting all of said section; and

Further amend said bill, Page 4, Section 20.070, Lines 1 through 4, by deleting all of said section; and

Further amend said bill, Page 4, Section 20.071, Lines 1 through 4, by deleting all of said section; and

Further amend said bill, Page 4, Section 20.075, Lines 1 through 4, by deleting all of said section.

HCS HB 1120, with House Amendment No. 1, pending, was laid over.

Speaker Gaw assumed the Chair.

On motion of Representative Crump, the House recessed until 1:45 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Pro Tem Kreider.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Amanus Williams, Corey Dukes, Chastity Gaines and Geauntrici Guynn.

RESOLUTIONS

House Resolution No. 1094 was taken up by Representative Holand and read.

House Resolution No. 1094

WHEREAS, the members of the Missouri House of Representatives always welcome the opportunity to recognize those Show-Me State educators who have risen to national prominence within their profession because of the excellence and effectiveness of their endeavors; and

WHEREAS, Ferba Lofton has attained the rare and enviable status of Missouri's National Distinguished Principal for 2000, an honor that will take her to Washington, D.C., in October to represent this state during two days of activities involving sixty elementary principals from around the nation; and

WHEREAS, the Principal at Eugene Field Elementary School in Springfield, Missouri, Ferba Lofton is a Springfield native who married her beloved William after high school and moved to Boston, Massachusetts, where her diligent studies earned her a Bachelor of Science degree in education from Boston State College and a Master of Education degree from Antioch College; and

WHEREAS, a former teacher and administrator in the Boston Public Schools, Ferba Lofton returned to her hometown in 1982 to take a teaching position at Jeffries Elementary; and

WHEREAS, accepting increased duties and responsibilities down through the years, Ferba Lofton became Chapter 1 Supervisor, Chapter 1 Summer School Coordinator, and Principal at Rountree Elementary and Harry S Truman Elementary before taking the top administrative position at Field Elementary in 1998; and

WHEREAS, additional graduate studies at Lesley College and Drury College helped deepen and widen Ferba Lofton's understanding of her profession, and today she is universally praised for an educational philosophy that includes staff, parents, and students working cooperatively to create a nurturing, accountable learning environment; daily visits to the classroom to assess performance, praise success, and provide support; an emphasis on continued professional development for herself and her teaching staff; and the recruitment of a significant body of volunteers:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninetieth General Assembly, join unanimously to salute the impressive life and tremendously effective leadership skills of Ferba Lofton and to convey to her this legislative body's heartiest congratulations upon her well-deserved selection as the Missouri National Distinguished Principal; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Ferba Lofton, Principal of Eugene Field Elementary School in Springfield, Missouri.

Representatives Hagan-Harrell and Merideth offered House Resolution No. 1250.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1251 - Representative McBride
House Resolution No. 1252 - Representative Ross
House Resolution No. 1253 - Representative Patek
House Resolution No. 1254 - Representative Davis (122)
House Resolution No. 1255 - Representative Parker
House Resolution No. 1256
through
House Resolution No. 1261 - Representative Myers
House Resolution No. 1262 - Representative Purgason
House Resolution No. 1263
through
House Resolution No. 1284 - Representative Williams (121)

COMMITTEE REPORT

Committee on Rules, Joint Rules and Bills Perfected and Printed, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 1122, HS HB 1728, HB 1768, HS HCS HB 1927 and HB 1946**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

PERFECTION OF HOUSE BILL - APPROPRIATIONS

HCS HB 1120, with House Amendment No. 1, pending, relating to appropriations, was again taken up by Representative Franklin.

Representative Hollingsworth offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

Representative Franklin raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Speaker Gaw resumed the Chair.

Representative Bennett offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

Representative Lakin raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 1** is not a true substitute amendment and goes beyond the scope of the bill.

The Chair ruled the second point of order well taken.

Representative Green moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 056

Alter	Auer	Barry 100	Bennett	Bonner
Boucher 48	Chrismer	Cierpiot	Clayton	Crump
Davis 63	Enz	Evans	Foley	Gambaro
George	Gratz	Green	Griesheimer	Gunn
Hagan-Harrell	Hendrickson	Hickey	Hollingsworth	Kelly 27
Kennedy	Leake	Levin	Liese	Linton
Lograsso	Loudon	Luetkemeyer	Luetkenhaus	Marble
May 108	McKenna	Murphy	Murray	O'Connor
O'Toole	Overschmidt	Phillips	Pryor	Purgason
Reynolds	Ridgeway	Rizzo	Robirds	Selby
Skaggs	Smith	Townley	Treadway	Wagner
Ward				

NOES: 099

Abel	Akin	Backer	Ballard	Barnett
Bartelsmeyer	Bartle	Berkstresser	Black	Blunt
Boatright	Boykins	Bray 84	Britt	Brooks
Burton	Campbell	Champion	Crawford	Curls
Davis 122	Days	Dolan	Dougherty	Elliott
Farnen	Fitzwater	Ford	Foster	Franklin
Fraser	Froelker	Gibbons	Graham 106	Graham 24
Gross	Hampton	Hanaway	Harlan	Hartzler 123
Hartzler 124	Hegeman	Hilgemann	Hohulin	Holand
Hoppe	Howerton	Kasten	Kelley 47	King
Kissell	Klindt	Koller	Kreider	Lakin
Lawson	Legan	Long	Mays 50	McBride
McClelland	McLuckie	Merideth	Miller	Monaco
Myers	Naeger	Nordwald	Ostmann	Parker
Patek	Pouche 30	Ransdall	Reid	Reinhart
Richardson	Riley	Ross	Sallee	Scheve
Schilling	Schwab	Scott	Seigfreid	Shelton
Shields	Summers	Surface	Thompson	Tudor
Van Zandt	Vogel	Wiggins	Williams 121	Williams 159
Wilson 25	Wilson 42	Wright	Mr. Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 007

Berkowitz	Gaskill	Hosmer	Relford	Secrest
Stokan	Troupe			

VACANCIES: 001

Representative Crump offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1120, Page 5, Section 20.087, Line 4, by adding after said line one new section to read as follows:

“Section 20.088. To the Department of Natural Resources

For the Division of State Parks

For the planning, design and construction of an overlook viewing area at Taum Sauk Mountain

State Park in Iron County

From Parks Sales Tax Fund \$145,000".

On motion of Representative Crump, **House Amendment No. 2** was adopted.

Representative Selby offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 1120, Page 4, Section 20.080, Lines 1-3, by deleting all of said lines and inserting in lieu thereof the following:

“Section 20.080. To the Department of Transportation

For the port authority capital improvement project grants

Local matching funds must be provided on a 80/20 state/local
match rate to be eligible for state funds

For the Howard/Cooper Regional Port \$499,440

For the Kansas City Port 416,320

For the New Bourbon Regional Port 1,539,552

For the New Madrid County Port 416,320

For the Pemiscot County Port 1,014,597

For the St. Joseph Regional Port 416,320

For the St. Louis City Port 281,840

For the Southeast Missouri Regional Port 1,514,720

From General Revenue Fund \$6,099,109".

Representative Selby moved that **House Amendment No. 3** be adopted.

Which motion was defeated.

Representative Shields offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 1120, Page 5, Section 20.095, Line 1, by deleting all of said section.

Representative Shields moved that **House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 073

Akin	Alter	Ballard	Barnett	Bartelsmeyer
Bartle	Bennett	Berkstresser	Black	Blunt
Boatright	Burton	Champion	Chrismer	Cierpiot
Crawford	Dolan	Enz	Evans	Foster
Froelker	Gaskill	Gibbons	Graham 106	Griesheimer
Gross	Hanaway	Hartzler 123	Hartzler 124	Hegeman
Hendrickson	Hohulin	Holand	Howerton	Kasten
Kelley 47	King	Klindt	Legan	Levin
Linton	Lograsso	Loudon	Luetkemeyer	Marble
McClelland	Miller	Murphy	Myers	Naeger
Nordwald	Ostmann	Patek	Phillips	Pouche 30
Pryor	Purgason	Reid	Reinhart	Richardson
Ridgeway	Robirds	Ross	Sallee	Schwab
Scott	Secrest	Shields	Summers	Surface
Townley	Tudor	Wright		

NOES: 081

Abel	Auer	Backer	Barry 100	Bonner
Boucher 48	Boykins	Bray 84	Britt	Brooks
Campbell	Clayton	Crump	Curls	Davis 122
Davis 63	Days	Dougherty	Farnen	Fitzwater
Foley	Ford	Franklin	Fraser	George
Graham 24	Gratz	Green	Gunn	Hagan-Harrell
Hampton	Harlan	Hickey	Hilgemann	Hollingsworth
Hoppe	Kelly 27	Kennedy	Kissell	Koller
Kreider	Lakin	Lawson	Leake	Liese
Luetkenhaus	May 108	Mays 50	McBride	McKenna
McLuckie	Merideth	Monaco	Murray	O'Connor
O'Toole	Overschmidt	Parker	Ransdall	Reynolds
Riley	Rizzo	Scheve	Schilling	Seigfreid
Selby	Shelton	Skaggs	Smith	Thompson
Treadway	Van Zandt	Vogel	Wagner	Ward
Wiggins	Williams 121	Williams 159	Wilson 25	Wilson 42
Mr. Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 008

Berkowitz	Elliott	Gambaro	Hosmer	Long
Relford	Stokan	Troupe		

VACANCIES: 001

Representative Green offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 1120, Page 2, Section 20.010, Line 4, by deleting the numeral amount "\$600,000" on said line and inserting in lieu thereof the numeral amount "\$400,000"; and

Further amend said bill, Page 2, Section 20.010, Line 6, by deleting the numeral amount "\$6,459,819" on said line and inserting in lieu thereof the numeral amount "\$6,259,819".

On motion of Representative Green, **House Amendment No. 5** was adopted by the following vote:

AYES: 100

Abel	Akin	Alter	Auer	Backer
Barry 100	Blunt	Bonner	Boucher 48	Boykins
Bray 84	Britt	Brooks	Campbell	Chrismer
Clayton	Crump	Curls	Davis 122	Davis 63
Days	Dolan	Dougherty	Enz	Evans
Farnen	Fitzwater	Foley	Ford	Fraser
George	Gibbons	Graham 24	Gratz	Green
Gross	Gunn	Hagan-Harrell	Hampton	Hanaway
Harlan	Hendrickson	Hickey	Hilgemann	Hollingsworth
Hoppe	Kelly 27	Kennedy	Kissell	Koller
Kreider	Lakin	Lawson	Leake	Legan
Levin	Liese	Linton	Long	Loudon
Luetkenhaus	May 108	Mays 50	McBride	McClelland
McKenna	McLuckie	Monaco	Murphy	Murray
Nordwald	O'Connor	Ostmann	Overschmidt	Parker
Pryor	Ransdall	Reid	Reynolds	Riley
Rizzo	Scheve	Schilling	Seigfreid	Selby
Shelton	Shields	Skaggs	Smith	Thompson
Treadway	Van Zandt	Wagner	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Mr. Speaker

NOES: 053

Ballard	Barnett	Bartelsmeyer	Bartle	Bennett
Berkstresser	Black	Boatright	Burton	Champion
Cierpiot	Crawford	Foster	Froelker	Gaskill
Graham 106	Griesheimer	Hartzler 123	Hartzler 124	Hegeman
Hohulin	Holand	Howerton	Kasten	Kelley 47
King	Klindt	Lograsso	Luetkemeyer	Marble
Merideth	Miller	Myers	Naeger	Patek
Phillips	Pouche 30	Purgason	Reinhart	Richardson
Ridgeway	Robirds	Ross	Sallee	Schwab
Scott	Secrest	Summers	Surface	Townley
Tudor	Vogel	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 009

Berkowitz	Elliott	Franklin	Gambaro	Hosmer
O'Toole	Relford	Stokan	Troupe	

VACANCIES: 001

Representative Backer offered **House Amendment No. 6.**

House Amendment No. 6

AMEND House Committee Substitute for House Bill No. 1120, Page 2, Section 20.020, Line 4, by deleting the number "\$11,950,000" and inserting in lieu thereof the number "\$10,000,000"; and

Further amend said bill, Page 2, Section 20.025, by deleting the number "\$7,757,428" and inserting in lieu thereof the number "\$7,000,000".

Representative Lograsso offered **House Substitute Amendment No. 1 for House Amendment No. 6.**

*House Substitute Amendment No. 1
for
House Amendment No. 6*

AMEND House Committee Substitute for House Bill No. 1120, by reducing each appropriation amount by 5%, except those amounts that have previously been amended.

Representative Monaco offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 6.**

*House Amendment No. 1
to
House Substitute Amendment No. 1
for
House Amendment No. 6*

AMEND House Substitute Amendment No. 1 for House Amendment No. 6 to House Committee Substitute for House Bill No. 1120, by adding after the word “amended” the following:

“adding half of the 5% to the School Building Revolving Fund for capital improvements and the remaining half for the purposes of funding construction maintenance and repair to County Court Houses statewide.”.

Representative Franklin raised a point of order that **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 6** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Lakin assumed the Chair.

Representative Monaco moved that **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 6** be adopted.

Which motion was defeated by the following vote:

AYES: 064

Abel	Barry 100	Bartle	Bonner	Boucher 48
Boykins	Bray 84	Britt	Brooks	Campbell
Cierpiot	Clayton	Crump	Curls	Davis 122
Days	Dolan	Dougherty	Fitzwater	Foley
Fraser	Green	Gunn	Hagan-Harrell	Hampton
Harlan	Hickey	Hilgemann	Hollingsworth	Kennedy
Koller	Kreider	Lakin	Liese	May 108
Mays 50	McKenna	McLuckie	Monaco	Murray
O'Connor	O'Toole	Overschmidt	Parker	Ransdall
Riley	Rizzo	Ross	Scheve	Schilling
Seigfreid	Selby	Skaggs	Smith	Thompson
Treadway	Troupe	Van Zandt	Wagner	Ward
Wiggins	Williams 121	Wilson 42	Mr. Speaker	

NOES: 082

Akin	Alter	Auer	Backer	Ballard
Barnett	Bartelsmeyer	Berkstresser	Black	Blunt
Boatright	Champion	Chrismer	Crawford	Davis 63
Enz	Evans	Farnen	Foster	Franklin

Froelker	Gaskill	George	Gibbons	Graham 106
Graham 24	Gratz	Griesheimer	Hanaway	Hartzler 123
Hartzler 124	Hegeman	Hendrickson	Hohulin	Holand
Howerton	Kasten	Kelley 47	Kelly 27	King
Kissell	Klindt	Lawson	Legan	Levin
Linton	Lograsso	Loudon	Luetkemeyer	Marble
McBride	McClelland	Merideth	Miller	Murphy
Myers	Naeger	Nordwald	Ostmann	Patek
Phillips	Pouche 30	Pryor	Purgason	Reid
Reinhart	Reynolds	Ridgeway	Robirds	Sallee
Schwab	Scott	Secrest	Shelton	Shields
Summers	Surface	Townley	Tudor	Williams 159
Wilson 25	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 016

Bennett	Berkowitz	Burton	Elliott	Ford
Gambara	Gross	Hoppe	Hosmer	Leake
Long	Luetkenhaus	Relford	Richardson	Stokan
Vogel				

VACANCIES: 001

Representative Lograsso moved that **House Substitute Amendment No. 1 for House Amendment No. 6** be adopted.

Which motion was defeated.

House Amendment No. 6 was withdrawn.

Speaker Gaw resumed the Chair.

On motion of Representative Franklin, **HCS HB 1120, as amended**, was adopted.

On motion of Representative Franklin, **HCS HB 1120, as amended**, was ordered perfected and printed.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

SCS HCS HB 1111: Representatives Franklin, Troupe, Kelly (27), Shields and Kelley (47).

REFERRAL OF HOUSE REMONSTRANCE

The following House Remonstrance was referred to the Committee indicated:

HRM 1 - Rules, Joint Rules and Bills Perfected and Printed

REFERRAL OF SENATE JOINT RESOLUTION

The following Senate Joint Resolution was referred to the Committee indicated:

SS#2 SJR 53 - Rules, Joint Rules and Bills Perfected and Printed

COMMITTEE REPORTS

Committee on Banks and Financial Institutions, Chairman Liese reporting:

Mr. Speaker: Your Committee on Banks and Financial Institutions, to which was referred **SB 804**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Civil and Administrative Law, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **SB 944**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Fiscal Review, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SB 741**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Judiciary, Chairman May (108) reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **SS SCS SBs 678 & 742**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Local Government and Related Matters, Chairman Hoppe reporting:

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SCS SB 894**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Professional Registration and Licensing, Chairman Treadway reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SS SB 902**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Transportation, Chairman Koller reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **SCS SB 683**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was read the first time and copies ordered printed:

HCR 37, introduced by Representatives Hagan-Harrell and Merideth, establishing a Joint Interim Committee to make a comprehensive study on developing retirement medical cost account plans for state employees.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 38**.

Senate Concurrent Resolution No. 38

WHEREAS, building codes promote public safety, health, and general welfare and protect the lives and property of our citizens; and

WHEREAS, building codes require that all affected construction meet minimum standards and provide fair and equal opportunities for contractors and owners by consistent application of these standards; and

WHEREAS, building codes protect our citizens from hazardous buildings and help maintain property values; and

WHEREAS, there are numerous building codes in the state varying from county to county and municipality to municipality; and

WHEREAS, the number of codes restricts competitive business among builders and contractors as they must spend time and money to learn and comply with each different code; and

WHEREAS, an in-depth study and evaluation must be made of the alternatives and strategies available for the implementation of a single building code to better serve the citizens and business population in Missouri; and

WHEREAS, the three model code groups have combined to formulate a single code entitled the "International Building Code"; and

WHEREAS, the International Building Code is being finalized during the spring of 2000; and

WHEREAS, the Governor's Commission for the Review and Formulation of Building Code Implementation was created in 1999 by Senate Concurrent Resolution; and

WHEREAS, the Commission held four hearings during 1999 and issued a preliminary report on December 1, 1999; and

WHEREAS, the Commission shall dissolve on May 31, 2000 unless its authority is extended:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Second Regular Session, Ninetieth General Assembly, the House of Representatives concurring therein, request that the commission continue to solicit any input and information necessary to fulfill its obligations; and

BE IT FURTHER RESOLVED that the commission shall conduct an in-depth study and make additional recommendations concerning the implementation of a building code to ensure fair and equal opportunity for businesses by the consistent application of minimum safety standards for the citizens of Missouri; and

BE IT FURTHER RESOLVED that the commission shall prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the Governor and the General Assembly by December 1, 2000, and then shall be dissolved May 31, 2001; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of executive branch members and members appointed by the governor as well as the actual and necessary expenses of any staff provided by the office of administration and the cost of any outside consultants to the commission shall be paid from funds appropriated to the Office of Administration; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the legislative members and any legislative staff assigned to the commission shall be paid from the joint contingent fund; and

BE IT FURTHER RESOLVED that the staff of Senate Research, House Research, the Joint Committee on Legislative Research, and the Office of Administration shall provide such legal, research, clerical, technical and bill drafting services as the commission may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor, the Attorney General, the Director of the Department of Public Safety, the Director of the Department of Natural Resources, and the Director of the Division of Design and Construction.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 1112**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Joint Committee on Administrative Rules, the Joint Committee on Public Employee Retirement Systems, the Joint Committee on Capital Improvements Oversight, and the Joint Committee on Gaming and Wagering; for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2000 and ending June 30, 2001.

With Senate Amendment No. 1 and Senate Amendment No. 2

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 1112, Page 5, Section 12.090, Line 7, by deleting the number "1,293,550" and inserting in lieu thereof the number "**1,301,750**"; and

1100 *Journal of the House*

Further amend said section, Line 10, by deleting the number "7,009,108" and inserting in lieu thereof the number "**7,017,308**"; and

Further amend said section, Line 30, by deleting the number "8,939,925" and inserting in lieu thereof the number "**8,948,125**".

Senate Amendment No. 2

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 1112, Page 18, Section 12.400, Line 12, by striking the figure "226,100" as it appears on said line, and inserting in lieu thereof the figure "**100,615**"; and

Further amend said bill, Page 19, Section 12.405, Line 12, by striking the figure "1,083,950" as it appears on said line, and inserting in lieu thereof the figure "**482,358**".

In which the concurrence of the House is respectfully requested.

WITHDRAWAL OF HOUSE CONCURRENT RESOLUTION

March 16, 2000

The Honorable Steve Gaw
Speaker of the House

Dear Mr. Gaw,

I respectfully request that **House Concurrent Resolution 26** be withdrawn immediately.

Thank you for your time and consideration.

Respectfully,

/s/ Jewell D. H. Patek

ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, April 27, 2000.

COMMITTEE MEETINGS

CHILDREN, YOUTH AND FAMILIES

Thursday, April 27, 2000, 8:30 am. Hearing Room 4.

Continuation of Executive Session.

To be considered - SB 597

CONFERENCE COMMITTEE - APPROPRIATIONS

Thursday, April 27, 2000, 8:00 am. Senate Committee Rooms 2 and 3.

To be considered - HB 1102, HB 1103, HB 1104, HB 1105, HB 1106, HB 1107, HB 1108, HB 1109, HB 1110, HB 1111

EDUCATION - HIGHER

Monday, May 1, 2000. Side gallery upon adjournment.

Executive Session.

To be considered - SB 1066

FISCAL REVIEW

Thursday, April 27, 2000, 8:30 am. Hearing Room 1. (Fiscal Note)

Executive Session.

To be considered - HB 1728, HB 1927

JOINT COMMITTEE ON CORRECTIONS

Monday, May 1, 2000, 1:00 pm. Hearing Room 5.

Proposed Scope of Services. (Mental Health and Medical)

PUBLIC HEALTH

Thursday, April 27, 2000, 9:30 am. Side gallery.

Executive Session.

PUBLIC SAFETY AND LAW ENFORCEMENT

Thursday, April 27, 2000, 9:30 am. Side gallery. Executive Session.

WORKERS COMPENSATION AND EMPLOYMENT SECURITY

Monday, May 1, 2000, 8:00 pm. Hearing Room 6.

To be considered - SB 864, SB 1075

HOUSE CALENDAR

SIXTY-FIRST DAY, THURSDAY, APRIL 27, 2000

HOUSE CONCURRENT RESOLUTION FOR SECOND READING

HCR 37

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 40, as amended, HA 3, pending - Graham (24)
- 2 HJR 42 - Williams (121)
- 3 HJR 45, HCA 1 - Scheve

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1747 - Barry
- 2 HCS HB 1888 - Wilson (42)
- 3 HB 2102 - Hampton
- 4 HB 1066, HCA 1 - Riback Wilson (25)
- 5 HB 1394 - Murray
- 6 HB 1159 - Boucher
- 7 HB 1280 - Clayton
- 8 HB 1502 - Smith

1102 *Journal of the House*

- 9 HCS HB 1547 - Scheve
- 10 HCS HB 1962, 1943, 1425 & 1419 - Dougherty
- 11 HB 1546 - Smith
- 12 HCS HB 1606 - Bray
- 13 HCS HB 1225 - Hosmer
- 14 HCS HB 1540 - Green
- 15 HCS HB 1942 - Liese
- 16 HCS HB 1578 - Shelton
- 17 HB 2056 - Gunn
- 18 HCS HB 1718 - Smith
- 19 HCS HB 1966 - Hosmer
- 20 HCS HB 1997 - Smith
- 21 HCS HB 1336 - Lakin
- 22 HCS HB 1780 - Liese
- 23 HCS HB 1816 - Hosmer
- 24 HCS HB 1357 - Bonner
- 25 HB 1872 - Seigfreid
- 26 HCS HB 1674 - Graham (24)
- 27 HCS HB 1154 - Boucher
- 28 HCS HB 2114 - Hoppe
- 29 HCS HB 1649 - Williams (121)
- 30 HB 1216 - Kelly (27)
- 31 HB 1157, HCA 1 - Boucher

HOUSE BILLS FOR PERFECTION - INFORMAL

- 1 HCS HB 1362, HS, as amended, pending - Harlan
- 2 HCS HB 1602, as amended - Leake
- 3 HCS HB 1143, as amended - Scheve
- 4 HCS HB 1932 - Harlan
- 5 HB 1712 - McKenna

HOUSE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING

- 1 HCR 29, (4-13-00, pg. 951) - Graham (24)
- 2 HCR 23, (3-16-00, pg. 646) - Bray
- 3 HCR 4, (2-24-00, pg. 399) - Kennedy
- 4 HCR 22, (4-17-00, pg. 970) - Liese
- 5 HCR 27, (4-13-00, pg. 951) - Ross
- 6 HCR 28, (4-11-00, pg. 916) - Van Zandt

HOUSE BILL FOR THIRD READING - APPROPRIATIONS

HB 1122 - Franklin

HOUSE BILLS FOR THIRD READING

- 1 HS HCS HB 1489, 1488 & 1650 - Kennedy
- 2 HS HCS HB 1811 - Kreider
- 3 HCS HB 1961 - Fraser

- 4 HS HCS HB 1927, (Fiscal Review 4-26-00) - Wiggins
- 5 HB 1768, E.C. - Ward
- 6 HS HB 1728, (Fiscal Review 4-26-00) - Backer

HOUSE BILL FOR THIRD READING - FEDERAL MANDATE

HB 1946 - Dougherty

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HB 1828 - Gross
- 2 HB 1095 - Richardson
- 3 HB 1358 - Loudon
- 4 HB 1275 - Chrismer

SENATE CONCURRENT RESOLUTION FOR SECOND READING

SCR 38

SENATE BILLS FOR THIRD READING

- 1 SB 810 - Gunn
- 2 HCS SCS SB 719 - Hoppe
- 3 HCS SS SB 813 - Kissell
- 4 HCS SCS SB 721 - Boucher
- 5 HCS SB 881 - Hoppe
- 6 HCS SB 856 - Harlan

SENATE BILL FOR THIRD READING - INFORMAL

HS HCS SS SB 549, as amended, E.C. - Van Zandt

HOUSE BILL WITH SENATE AMENDMENTS

SCS HCS HB 1112, as amended - Franklin

BILLS IN CONFERENCE

- 1 SCS HCS HB 1102, as amended - Franklin
- 2 SCS HCS HB 1103, as amended - Franklin
- 3 SCS HCS HB 1104 - Franklin
- 4 SCS HCS HB 1105, as amended - Franklin
- 5 SCS HCS HB 1106, as amended - Franklin
- 6 SCS HCS HB 1107, as amended - Franklin
- 7 SCS HCS HB 1108 - Franklin
- 8 SCS HCS HB 1109 - Franklin
- 9 SCS HCS HB 1110, as amended - Franklin
- 10 SCS HCS HB 1111, as amended - Franklin

HOUSE RESOLUTION

HR 91, (2-24-00, pgs. 397 & 398) - Crawford